

South Carolina Cable Television Association

Comments to South Carolina Code of State Regulations
Chapter 103, Article 6 – Telecommunications Utilities
June 16, 2022 Follow-up Workshop

Docket No. 2020-247-A

Introduction

- SCCTA greatly appreciates that Commission Staff thoughtfully considered and adopted many of SCCTA's recommended revisions to R. 103-690 and 103-690.1 put forward at the May 21, 2021 workshop.
- SCCTA believes that these revisions go a long way toward keeping state ETC regulations consistent with revisions made to federal ETC regulations.
- The follow-up comments offered by SCCTA at this workshop are respectfully provided in a continued effort to align state ETC regulations more closely with current FCC regulations, technologies, and circumstances applicable to ETCs.

Service Improvement Plan Internal Harmonization

103-690.C.(a), as Revised, Incorporates 47 C.F.R. 54.202

C. Requirements for initial designation as an Eligible Telecommunications Carrier.

(a) 1. The commission may upon its own motion or upon request, designate a common carrier that meets the requirements in this section, and the public interest standard set forth in subsection (b) of this section, as an ETC for a designated service area. ETCs shall offer services in compliance with 47 C.F.R. Section 54.101. Upon request and consistent with the public interest, convenience and necessity, the commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an ETC for a service area designated by the commission. Before designating an additional ETC for an area served by a rural telephone company, the commission shall find that the designation is in the public interest. On or after the effective date of this rule, in order to be designated an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2) of the Federal Telecommunications Act of 1996, any common carrier in its application filed with the commission and a copy provided to the ORS must provide the following information and certifications set forth in 47 C.F.R. §§54.201 and 54.202. In addition, the carrier must



103-690.C.(a)(1)(B), as Revised, Eliminates Two-Year Plan

~~—(B) submit a two-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center by wire center basis, or on a cell site by cell site basis if the applicant is a wireless carrier throughout its proposed designated service area. Each applicant shall demonstrate:~~



103-690.1.B.(b)(1), as Revised, References Two-Year Plan

(1) a progress report on its two-year service quality improvement plan, including maps detailing its progress toward meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. The information shall be submitted at the wire center level of designation. Additionally, an updated forward-looking two-year plan shall be filed annually;

- ❖ SCCTA respectfully requests that R. 103-690.1.B.(b)(1) be further revised to strike the last sentence referencing submission of an updated “two-year plan” annually to internally harmonize this section with the Commission Staff’s proposed elimination of the two-year plan requirement at 103-690.C.(a)(1)(B).

(1) ... The information shall be submitted at the wire center level of designation. Additionally, an updated forward-looking two-year plan shall be filed annually;

- ❖ To further harmonize 103-690.1.B.(b)(1), SCCTA respectfully requests the insertion of the following additional language:

(1) A progress report on its two-year service quality improvement plan submitted pursuant to 47 C.F.R. 54.202(a)(1)(ii) unless waived or otherwise not required by the FCC, including map detailing ...

- ❖ Under the proposed revisions, the progress report requirement is presumably tied to the five-year improvement plan requirement for initial designation under 47 C.F.R. 54.202(a)(1)(ii). An exception should be made, therefore, where this requirement is waived for the common carrier by the FCC.

Annual Outage Reporting Requirement, R. 103-690.1.B.(b)(2)

- SCCTA respectfully requests that Commission Staff reconsider striking the annual outage reporting requirement.
- Rule 103-690.1.B.(b)(2), as written, places an outage reporting burden on ETC's that is different from and in addition to NORS reporting.
- The FCC no longer requires ETCs to annually report outages "because the Commission's Network Outage Reporting System (NORS) already collects detailed outage information."
 - *In the Matter of Connect Am. Fund*, 32 F.C.C. Rcd. 5944, 5945 (2017)
- FCC regulations relating to Network Outage Reporting System (NORS) access were recently amended to permit forthcoming state access.
 - *See Disruptions to Communications*, 86 FR 22796, 2021 WL 1664287 ("[T]he [FCC] adopts final rules to provide direct, read-only access to Network Outage Reporting System (NORS) and Disaster Outage Reporting System (DIRS) filings to agencies of the 50 states").
 - *In the Matter of Amends. to Part 4 of the Commission's Rules Concerning Disruptions to Commc'ns*, No. FCC21-34, 2021 WL 1086309, at *49 (OHMSV Mar. 18, 2021) (setting effective date of September 30, 2022 for revisions to Section 4.2 to permit NORS and DIRS access)

Unfulfilled Service Request Requirement, R. 103-690.1.B.(b)(3)

- SCCTA respectfully requests that Commission Staff reconsider striking the unfulfilled service request requirement.
- The FCC eliminated the unfulfilled service request reporting requirement for ETCs. The FCC used the requirement to track deployment of supported services, but technologies have evolved to permit the FCC to monitor exact locations where an ETC built-out network the prior year.
 - See *In the Matter of Connect America Fund; ETC Annual Reports and Certifications*, WC Docket No. 10-90, WC Docket No. 14-58, FCC 17-87, 32 FCC Rcd 5944, 5944-48 (rel. July 7, 2017) at para. 6 (“[W]e eliminate the requirement that ETCs report the number of service requests they receive but do not fulfill ... We therefore eliminate this specific reporting requirement for all ETCs.”); compare 47 C.F.R. 54.313(a)(3) (current) with 47 C.F.R. 54.313(a)(3) (Mar. 2017) (no longer including unfulfilled service request requirement).
- For example, RDOF participants must “file annually location and technology data in the HUBB.” *Rural Digital Opportunity Fund, Report and Order*, 35 FCC Rcd 686 (2020). This information includes latitude and longitude coordinates for every location where service is available, as well as the broadband speeds offered and the date of deployment.

Questions